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SUBJECT: Belgium's Environmental Management: The  
Devolution of Pollution

¶1. (U) Summary. In contrast with government rhetoric touting commitment to a clean environment, Belgium's environmental management ranks poorly among EU member states. The country's geography, linguistic divisions, and complex political structure contribute to a difficult environmental policymaking context. Flanders, Wallonia, and Brussels each have separate environmental policies, under the devolved responsibility that characterizes Belgium, which creates coordination and legal enforcement problems. Funding for clean-up is scarce at every level. Stronger domestic leadership and demanding EU Directives are now energizing Belgian efforts, but low accountability will likely continue to slow environmental improvement. This cable is the first of a series of two, with the first providing a historical and institutional perspective on Belgian environmental policies - "the bad news", and the second focusing on Belgium's current and future programs - "the good news". End Summary.

¶2. (U) In recent months Belgium's environmental reputation has taken several severe blows. In January a Louvain-la-Neuve University study revealed high levels of cadmium pollution in Wallonia, which have led to high incidence of cancer and osteoporosis among inhabitants. Then the Yale/Columbia review of environmental quality released at the Davos Economic forum ranked Belgium 39th in the world on its Environmental Performance Index, the lowest rank among the EU 25. Then came a scandal over dioxin contamination in food, which was more an industrial accident than environmental pollution, but nonetheless led to the blocking of exports of Belgian chicken and pork producers to the Netherlands. Finally, mid-winter saw Brussels blanketed with the worst air quality in recent record, which officials blamed on high particulate matter and smog blowing in from Germany and the East.

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A Poor Legacy from History and Society  
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¶3. (U) Historically, Belgium has never been a leader in environmental policy. In contrast to some neighbors like the Netherlands, where society was organized to hold the sea off from reclaimed land, Belgians have not viewed nature as a challenge so much as a supply of resources. Belgium has some high-sulfur coal in Hainaut and Limburg provinces, well-watered agricultural land and a strategic location for trade to support its population. The rolling forests in the low

mountains of the Ardennes in the south cover 22 percent of Belgium: 44 percent of the country is agricultural or pasture land, 31 percent is natural growth or mixed use, and nearly 3 percent is urban space and roads. Belgium has one of the highest population densities in Europe (338 persons per square kilometer).

¶4. (U) Throughout Belgium's history pioneering the industrial revolution in continental Europe, environmental protection was never a priority. As the country where the first train tracks on the continent were laid in 1835, where steel factories started in the 1840s, and where chemists and scientists like Solvay, Lenoir, and Baekelandt achieved new breakthroughs, Belgium benignly neglected the environmental costs of industrial progress. Belgium, as a small, densely populated country, was prone to pollution, and finding employment for an expanding population became a compelling goal in the country's rush to industrialization. Repeated destruction by World Wars One and Two led to a strong social consensus on rebuilding productive capacity - to the exclusion of other objectives such as preserving green space or otherwise protecting the environment. A 2004 report on Belgium's "footprint" on the earth's resources claimed the country imposed 2.8 times the environmental burden it should, given its population. This results partly from the country's economic structure, which is heavily dependent on imported resources. The Belgian economy is largely based on the transformation of imported factor inputs that are then re-exported; foreign trade by value equaled over 140 percent of Belgian GDP in 2005. The port city of Antwerp, for example, has the highest concentration of chemical and petrochemical refining in the world after Houston. One negative by-

BRUSSELS 00001637 002 OF 003

product of high value-added industrial processing has been a sad environmental legacy.

¶5. (U) When the rest of Europe was sensitized to the ecology movement during the 1960s and 1970s, Belgium was in the throes of a political resurgence of its Flemish-speaking population. This movement to redress the historical imbalance of power between Flemish and French speakers led ultimately to the division of Belgium into a federal state composed of three regions: Flanders, Wallonia, and Brussels.

¶6. (U) During the 1980s and 90s the European Union started to address environmental concerns, and EU Directives forced Belgium to align itself with European standards for environmental policy for the first time. Belgium's State Reform Act of August 8, 1980 was the first to provide a defined environmental plan for Belgium, and set both policies and standards. The subsequent Reform Act of 1988 also permitted all three regions to establish and implement their own environmental policies. The 1993 Constitutional Reforms that legislated devolution of certain powers to the regions assigned responsibility for environmental and agricultural sectors to the regions.

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An Unenviable Record  
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¶7. (U) Since regional authorities inherited an abused ecology a decade ago, they have made little progress towards improving it. In 2004 Walloon authorities tallied 4,580 sites of environmental pollution, of which many were formerly industrial production or waste sites. Flanders, which has set up a register of pollution sites, records that 35 percent of these sites concern heavy metals (compared to municipal waste or agricultural discharge). Many Flemish pollution sites

suffer from inappropriate discharge of hydrocarbons, a legacy of Antwerp port's petrochemical refining strength. Flanders has undertaken remediation at only a few of the numerous toxic waste situations in the region, where one-third of sites are petroleum-related, and another third are chemical-related. Even Brussels city region lists nearly 940 sites "meriting environmental investigation", of which 14 percent relate to heavy metal residues and 2 percent to the presence of PCBs.

¶8. (U) Both the Belgian public and private sectors have neglected the ecology. Less than half of the water effluent from Brussels - the capital of Europe to local publicists - is treated before being pumped into the Senne and Meuse rivers. A new treatment plant under construction is to begin operation by end-2006 - a decade after an EU water quality directive was passed. Wallonia is farther behind, with a \$510 million water quality project just getting underway. Flanders fares better on water management.

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Institutional Issues  
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¶9. (SBU) Several factors in Belgium's institutional structure contribute to Belgium's weak environmental management. The devolution of environmental responsibility to the regions was based on the logic that issues more closely affecting the individual and his community should be overseen by a political entity closer to the constituent. Environmental oversight was a new responsibility for the regions, whose existing expertise (previously agriculturally focused), did not translate rapidly into environmental surveillance, industrial pollution regulation, legal enforcement, and other new capabilities.

¶10. (U) Due to the devolved power structure, regional action is required for Belgium to transpose EU Directives into nationally binding regulation. Delays at regional legislative and national coordination levels have given Belgium a poor record in EU circles. In July 2005, Belgium received final written warnings from the EU Commission for not having implemented a number of environmental directives regarding landfill, pollutants, groundwater protection, dumping, environmental assessment, public access to

BRUSSELS 00001637 003 OF 003

environmental information, and noise pollution.

¶11. (U) Once regulations are passed by all three regions, legal enforcement is complicated. Federal judges must apply regional law - which varies among regions - for the same offence. A University of Maastricht study of Belgian environmental law noted that the split competence among the regions complicates enforcement, with different requirements and differing sanctions by region. Belgian legal scholars are starting to recognize the need for harmonized legislation and tougher enforcement, but corrective action will take years.

¶12. (U) Regional governments do not have adequate resources to address decades of environmental neglect. Flanders, Wallonia, and Brussels regions do not have independent taxing authority, which resides at the federal level. While the regions have tried to build up their capacity to oversee, administer, and enforce environmental policy, it has been a slow, expensive process. Flanders has instituted a fairly thorough register for polluted sites, but only 20 percent of these have been fully investigated, and only 5 percent have been cleaned up. With the biggest environment

budget of the three regions, Flemish expenditure for contaminated site remediation in 2002 was still only 30 euros per capita. Belgian authorities try to follow the EU "polluter pays" principle, but this places great dependence on the legal enforcement structure - which is problematic, as noted above.

¶13. (U) Devolution of responsibility to the regional level has also set back environmental accountability. Environmental problems rarely respect regional or international borders, so regional authorities must coordinate closely with each other - as well as with the federal government when cross-border pollution plays a role. This results in lengthy consultation processes, and hinders quick reactions to urgent issues. Most issues require an intergovernmental compromise solution, usually not the most authoritative possible response. Recent experience on toxic site clean-up issues showed that the outcome of inter-region coordination is closely tied to cost-sharing, with each region trying to minimize its respective budgetary burden. These factors can lead to sub-optimal environmental outcomes. For example, a cadmium pollution report in January resulted in competitive finger-pointing and responsibility shirking among municipal, regional, and federal levels.

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Future Prospects  
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¶14. (U) EU enforcement of Environmental Directives has sensitized all to Belgium's weak environmental performance. Progress has been made in reducing the time needed for coordination among the regions, and harmonization of regulations across the regions is now an objective. This has not increased the financial resources available for remediation, however, which will largely rely on polluters covering costs, which in turn requires prosecution in court.

¶15. (U) The Embassy has sponsored several public diplomacy programs to assist to Belgian authorities to strengthen environmental law enforcement, and will cover these and other "good news" elements septel.

KOROLOGOS